

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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|------------------------------------|---|----------------------------------|
| TYRONE CADE, | § | |
| Petitioner, | § | |
| | § | |
| v. | § | Civil Action No. 3:17-CV-03396-G |
| | § | |
| LORIE DAVIS, Director, | § | DEATH PENALTY CASE |
| Texas Department of Criminal | § | |
| Justice, Correctional Institutions | § | |
| Division, | § | |
| Respondent. | § | |

**RESPONDENT'S FIRST MOTION
FOR EXTENSION OF TIME WITH BRIEF IN SUPPORT**

This is a federal habeas corpus proceeding initiated by Petitioner Tyrone Cade, a death-sentenced Texas inmate, pursuant to 28 U.S.C. § 2254. On April 12, 2021, the Court ordered Cade to file a second amended petition within 90 days of its order; on June 28, 2021, the Court granted Cade his motion for extension of time to file his second amended petition by August 10, 2021. ECF Nos. 122, 124. Cade filed his second amended petition on August 10, 2021. ECF No. 127. Respondent Bobby Lumpkin's ("the Director") response is therefore due on November 8, 2021. However, the Director respectfully requests a sixty-day extension of time, to January 7, 2022, to file his response.

This is a capital federal habeas corpus proceeding with a voluminous record and complex legal issues that will necessitate extensive review and writing. The undersigned attorney was not involved in the prior proceedings

in this Court. Therefore, the undersigned attorney requires additional time to carefully review the voluminous record and to prepare an appropriate responsive pleading. Also, the undersigned attorney is currently assisting her colleague by answering 27 jury issues raised on direct appeal in *Lewis v. State*, No. AP-77,086, due before the Texas Court of Criminal Appeals on December 22, 2021, a deadline that has been extended once.

This is the Director's first request for an extension of time to respond to Cade's second amended petition. This request is not designed to harass Cade, nor to unnecessarily delay these proceedings, but to ensure that Cade's second amended petition is properly addressed. Accordingly, the Director respectfully requests a sixty-day extension to file his response to Cade's second amended petition and supporting memorandum.

Respectfully submitted,

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Attorney General of Texas

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For Criminal Justice

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s/ Cara Hanna
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF CONFERENCE

On November 4 and 5, 2021, the undersigned attempted to contact counsel for Cade but, as of the time of this filing, has been unable to conference on the instant motion.

s/ Cara Hanna
CARA HANNA
Assistant Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that on November 5, 2021, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case-filing system of the Court.

The electronic case-filing system sent a “Notice of Electronic Filing” (NEF) to the following counsel of record, who consented in writing to accept the NEF as service of this document by electronic means:

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